

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSHUA A. GERSTEIN,

No. C-06-4643 MMC

Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO SUBMIT SUR-  
REPLY; CONTINUING HEARING**

v.

CENTRAL INTELLIGENCE AGENCY, et al.,

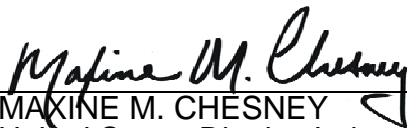
Defendants.

Before the Court is plaintiff's motion, filed November 9, 2007, for leave to submit a sur-reply to defendants' reply regarding defendants' motion for partial summary judgment, for the reason that defendants' reply was accompanied by approximately 15 pages of newly-filed evidence to which plaintiff did not have access while preparing his opposition. Pursuant to the Civil Local Rules, any opposition to plaintiff's motion for leave was to be filed by November 15, 2007. See Civil L.R. 7-11(b). To date, no opposition has been filed.

Plaintiff having shown good cause for the relief requested, and defendants having filed no opposition thereto, plaintiff's motion for leave to submit a sur-reply is hereby GRANTED. The hearing on the parties' respective motions for summary judgment, previously set for December 7, 2007, is hereby CONTINUED to January 4, 2008.

**IT IS SO ORDERED.**

Dated: November 21, 2007

  
MAXINE M. CHESNEY  
United States District Judge